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REMARKS

The Examiner has rejected Claims 1-2, 9-14, 21-26, and 33-37 under 35 U.S.C. 101 as being directed towards non-statutory subject matter. Applicant respectfully asserts that such rejection is deemed avoided in view of the amendments made to the independent claims hereinabove.

In addition, the Examiner has rejected Claims 1-2, 9-12, 13-14, 21-24, 25-26, and 33-37 under 35 U.S.C. 101 as failing to produce a useful, concrete, and tangible result in the instance when the update status of the current malware scanner matches the update status of the previous malware scanner.

Applicant respectfully disagrees. For example, applicant points out that the computer program product in independent Claim 1 comprises, in part, "alert issuing logic operable if said update status of said current malware scanner does not match said update status of said previous malware scanner to issue an update status alert indicative of an out-of-date update status for whichever one of said current malware scanner and said previous malware scanner has a most out-of-date update status...change logging logic operable to log changes to said update status field to create a change history in an update status tracking database to enable identification of weaknesses within update status management based on the change history...wherein, if said current malware scanner has a less out-of-date update status than said previous malware scanner, then said update status field associated with said computer file is changed to correspond to said current malware scanner... wherein, if there is no said update status associated with said computer file at a first malware scanning, then said update status field is generated and associated with said computer file, and said update status tracking database is updated" (see the same or similar, but not necessarily identical language in each of the independent claims-emphasis added).

Certainly, based on the limitations in Claim 1, as highlighted above, it is clear that a tangible result is evident. In addition, for reasons at least substantially similar (but not

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necessarily identical) to those above, applicant respectfully asserts that Claims 13 and 25 also produce a tangible result.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P495/01.018.01).

Respectfully submitted,  
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